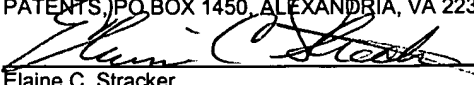


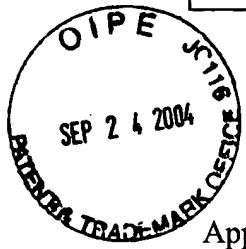
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Elaine C. Stracker



PATENT
Attorney's Docket No.: 00028.08CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rabinowitz et al.
Serial No.: 10/749,537
Filed: 12/30/2003
Title: DELIVERY OF SEDATIVE-HYPNOTICS THROUGH AN INHALATION ROUTE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:


In accordance with their continuing duty of disclosure under 37 CFR §§ 1.97, 1.98 and 1.56, Applicants hereby submit for consideration in the above-identified application the enclosed references. The Information Disclosure statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

For the convenience of the Examiner, the references are listed on a PTO Form 1449 (attached) and copies thereof are enclosed. Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including any extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 502731**. Please direct all correspondence to the following customer number.

Respectfully submitted,

Date: SEP 24 2004


Elaine C. Stracker J.D., Ph.D., Reg. 43,166

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/749,537	
	Filing Date	12/30/2003	
	First Named Inventor	Joshua D. Rabinowitz	
	Art Unit	Not yet known	
	Examiner Name	To be assigned	
Total Number of Pages in This Submission		Attorney Docket Number	00028.08CON

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
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Firm or Individual name	ALEXZA MDC, 1001 East Meadow Circle, Palo Alto, CA 94303 Elaine C. Stracker, Ph.D., J.D. Telephone (650)-687-3905	
Signature		
Date	SEP. 24 2004	

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Form PTO-1449

Docket Number: 00028.08CON

Application Number: 10/749,537

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 12/30/2003

Group Art Unit: Not Yet Known

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/02/1971	3,560,607	Hailly			
	2.	05/27/1980	Re. 30,285	Babington			
	3.	01/23/1990	4,895,719	Radhakrishnun et al.			
	4.	09/17/1991	5,049,389	Radhakrishnun			
	5.	02/14/1995	5,388,574	Ingebrethsen			
	6.	08/13/1996	5,544,646	Lloyd et al.			
	7.	12/09/1997	5,694,919	Rubsamen et al.			
	8.	04/07/1998	5,735,263	Rubsamen et al.			
	9.	04/14/1998	5,738,865	Baichwal et al.			
	10.	06/02/1998	5,758,637	Ivri et al.			
	11.	06/16/1998	5,767,117	Moskowitz			
	12.	06/29/1999	5,915,378	Lloyd et al.			
	13.	08/10/1999	5,934,272	Lloyd et al.			
	14.	09/28/1999	5,957,124	Lloyd et al.			
	15.	10/05/1999	5,960,792	Lloyd et al.			
	16.	11/30/1999	5,993,805	Sutton et al.			
	17.	03/28/2000	6,041,777	Faithfull et al.			
	18.	04/18/2000	6,051,566	Bianco			
	19.	08/01/2000	6,095,134	Sievers et al.			
	20.	08/01/2000	6,095,153	Kessler et al.			
	21.	08/15/2000	6,102,036	Slutsky et al.			
	22.	06/05/2001	6,241,969	Saidi et al.			
	23.	07/03/2001	6,255,334	Sands			
	24.	11/06/2001	6,313,176	Ellinwood, Jr. et al.			
	25.	01/14/2003	6,506,762	Horvath et al.			

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	26.	02/04/2003	6,514,482	Bartus et al.			
	27.	07/15/2003	6,591,839	Meyer et al.			
	28.	09/06/2001	US 2001/0020147	Staniforth et al.			
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	30.	05/16/2002	US 2002/0058009	Bartus et al.			
	31.	07/04/2002	US 2002/0086852	Cantor			
	32.	08/22/2002	US 2002/0112723	Schuster et al.			
	33.	11/28/2002	US 2002/0176841	Barker et al.			
	34.	01/02/2003	US 2003/0004142	Prior et al.			
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	36.	08/04/2003	10/633,876	Hale et al.			
	37.	08/04/2003	10/633,877	Hale et al.			
	38.	12/30/2003	10/749,539	Rabinowitz et al.			
	39.	01/27/2004	10/766,149	Rabinowitz et al.			
	40.	01/27/2004	10/766,279	Rabinowitz et al.			
	41.	01/27/2004	10/766,566	Rabinowitz et al.			
	42.	01/27/2004	10/766,574	Rabinowitz et al.			
	43.	01/27/2004	10/766,634	Rabinowitz et al.			
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	46.	01/29/2004	10/768,205	Rabinowitz et al.			
	47.	01/29/2004	10/768,220	Rabinowitz et al.			
	48.	01/29/2004	10/768,281	Rabinowitz et al.			
	49.	01/29/2004	10/768,293	Rabinowitz et al.			
	50.	01/30/2004	10/769,046	Rabinowitz et al.			
	51.	01/30/2004	10/769,051	Rabinowitz et al.			
	52.	01/29/2004	10/769,157	Rabinowitz et al.			
	53.	01/29/2004	10/769,197	Rabinowitz et al.			

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	54.	02/09/2004	10/775,583	Rabinowitz et al.			
	55.	02/09/2004	10/775,586	Rabinowitz et al.			
	56.	03/03/2004	10/791,915	Hale et al.			
	57.	03/03/2004	10/792,001	Rabinowitz et al.			
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	59.	03/03/2004	10/792,013	Rabinowitz et al.			
	60.	03/03/2004	10/792,096	Hale et al.			
	61.	03/03/2004	10/792,239	Hale et al.			
	62.	03/31/2004	10/813,721	Rabinowitz et al.			
	63.	03/31/2004	10/813,722	Rabinowitz et al.			
	64.	03/31/2004	10/814,690	Rabinowitz et al.			
	65.	03/31/2004	10/814,998	Rabinowitz et al.			
	66.	04/01/2004	10/815,527	Rabinowitz et al.			
	67.	04/01/2004	10/816,407	Rabinowitz et al.			
	68.	04/01/2004	10/816,492	Rabinowitz et al.			
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	70.	08/04/2004	10/912,462	Hale et al.			
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	73.	11/13/2003	US 2003/0209240	Hale et al.			
	74.	01/02/2003	US 2003/0000518	Rabinowitz et al.			
	75.	01/09/2003	US 2003/0005924	Rabinowitz et al.			
	76.	01/09/2003	US 2003/0005925	Hale et al.			
	77.	01/09/2003	US 2003/0007933	Rabinowitz et al.			
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	80.	01/16/2003	US 2003/0012738	Rabinowitz et al.			
	81.	1/16/2003	US 2003/0012740	Rabinowitz et al.			
	82.	01/23/2003	US 2003/0015189	Rabinowitz et al.			
	83.	01/23/2003	US 2003/0015190	Rabinowitz et al.			

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Group Art Unit: Not Yet Known

	84.	01/23/2003	US 2003/0017114	Rabinowitz et al.			
	85.	01/23/2003	US 2003/0017115	Rabinowitz et al.			
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	90.	01/23/2003	US 2003/0017120	Rabinowitz et al.			
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	93.	01/30/2003	US 2003/0021755	Hale et al.			
	94.	02/20/2003	US 2003/0035776	Hodges et al.			
	95.	05/15/2003	US 2003/0091511	Rabinowitz et al.			
	96.	05/27/2004	US 2004/010148	Hale et al.			
	97.	07/31/2003	US 2003/0138382	Rabinowitz			
	98.	11/06/2003	US 2003/0206869	Rabinowitz et al.			
	99.	01/15/2004	US 2004/0009128	Rabinowitz et al.			
	100.	05/20/2004	US 2004/0096402	Hodges et al.			
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	102.	06/03/2004	US 2004/0105818	Hale et al.			
	103.	06/03/2004	US 2004/0105819	Hale et al.			
	104.	07/01/2004	US 2004/0126326	Rabinowitz et al.			
	105.	07/01/2004	US 2004/0126327	Rabinowitz et al.			
	106.	07/01/2004	US 2004/0126328	Rabinowitz et al.			
	107.	07/01/2004	US 2004/0126329	Rabinowitz et al.			
	108.	07/01/2004	US 2004/0127481	Rabinowitz et al.			
	109.	07/01/2004	US 2004/0127490	Rabinowitz et al.			
	110.	08/12/2004	US 2004/0156788	Rabinowitz et al.			
	111.	08/12/2004	US 2004/0156789	Rabinowitz et al.			
	112.	8/12/2004	US 2004/0156790	Rabinowitz et al.			
	113.	08/12/2004	US 2004/0156791	Rabinowitz et al.			

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INFORMATION DISCLOSURE CITATION
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Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 12/30/2003

Group Art Unit: Not Yet Known

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	114.	03/14/1990	EP 0 358 114	Europe			
	115.	07/03/2001	EP 1 080 720	Europe			
	116.	08/29/2001	EP 0 606 486	Europe			
	117.	03/22/1990	WO 90/02737	WIPO			
	118.	06/13/1991	WO 91/07947	WIPO			
	119.	04/11/1996	WO 96/09846	WIPO			
	120.	05/09/1996	WO 96/13161	WIPO			
	121.	05/09/1996	WO 96/13290	WIPO			
	122.	05/09/1996	WO 96/13291	WIPO			
	123.	05/09/1996	WO 96/13292	WIPO			
	124.	10/03/1996	WO 96/30068	WIPO			
	125.	08/07/1997	WO 97/27804	WIPO			
	126.	05/28/1998	WO 98/22170	WIPO			
	127.	07/23/1998	WO 98/31346	WIPO			
	128.	08/27/1998	WO 98/36651	WIPO			
	129.	04/08/1999	WO 99/16419	WIPO			
	130.	12/16/1999	WO 99/64094	WIPO			
	131.	01/06/2000	WO 00/00176	WIPO			
	132.	01/06/2000	WO 00/00215	WIPO			
	133.	05/18/2000	WO 00/27363	WIPO			
	134.	05/25/2000	WO 00/29053	WIPO			
	135.	08/17/2000	WO 00/47203	WIPO			
	136.	11/02/2000	WO 00/64940	WIPO			
	137.	11/09/2000	WO 00/66084	WIPO			

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Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 12/30/2003

Group Art Unit: Not Yet Known

	138.	11/09/2000	WO 00/66206	WIPO			
	139.	12/21/2000	WO 00/76673	WIPO			
	140.	01/25/2001	WO 01/05459	WIPO			
	141.	06/14/2001	WO 01/41732	WIPO			
	142.	12/20/2001	WO 01/95903	WIPO			
	143.	03/28/2002	WO 02/24158	WIPO			
	144.	03/28/2002	WO 02/24158	WIPO			

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Filing Date: 12/30/2003

Group Art Unit: Not Yet Known

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	145.	Bennett, R.L. et al. (1981). "Patient-Controlled Analgesia: A New Concept of Postoperative Pain Relief," <i>Annual Surg.</i> 195(6):700-705.
	146.	Carroll, M.E. et al. (1990), "Cocaine-base smoking in rhesus monkeys: reinforcing and physiological effects," <i>Psychopharmacology</i> (Berl). 102:443-450.
	147.	Clark, A. and Byron, P. (1986). "Dependence of Pulmonary Absorption Kinetics on Aerosol Particle Size," <i>Z. Erkrank.</i> 166:13-24.
	148.	Darquenne, C. et al. (1997). "Aerosol Dispersion in Human Lung: Comparison Between Numerical Simulations and Experiments for Bolus Tests," <i>American Physiological Society.</i> 966-974.
	149.	Davies, C.N. et al. (May 1972). "Breathing of Half-Micron Aerosols," <i>Journal of Applied Physiology.</i> 32(5):591-600.
	150.	Dershwitz, M., M.D., et al. (September 2000). "Pharmacokinetics and Pharmacodynamics of Inhaled versus Intravenous Morphine in Healthy Volunteers," <i>Anesthesiology.</i> 93(3): 619-628.
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	152.	Gonda, I. (1991). "Particle Deposition in the Human Respiratory Tract," Chapter 176, <u>The Lung: Scientific Foundations</u> . Crystal R.G. and West, J.B. (eds.), Raven Publishers, New York. pp. 2289-2294.
	153.	Hatsukami D, et al. (May 1990) "A method for delivery of precise doses of smoked cocaine-base to humans." <i>Pharmacology Biochemistry & Behavior.</i> 36(1):1-7.
	154.	Heyder, J. et al. (1986). "Deposition of Particles in the Human Respiratory Tract in the Size Range 0.005-15 μm ," <i>J. Aerosol Sci.</i> 17(5):811-822.
	155.	Huizer, H., "Analytical studies on illicit heron. V. Efficacy of volatilization during heroin smoking." <i>Pharmaceutisch Weekblad Scientific Edition</i> (1987). 9(4):203-211.
	156.	Hurt, R.D., MD and Robertson, C.R., PhD, (October 1998). "Prying Open the Door to the Tobacco Industry's Secrets About Nicotine: The Minnesota Tobacco Trial," <i>JAMA</i> 280(13):1173-1181.
	157.	Lichtman, A.H. et al. (1996). "Inhalation Exposure to Volatilized Opioids Produces Antinociception in Mice," <i>Journal of Pharmacology and Experimental Therapeutics.</i> 279(1):69-76.
	158.	Martin, B.R. and Lue, L.P. (May/June 1989). "Pyrolysis and Volatilization of Cocaine," <i>Journal of Analytical Toxicology</i> 13:158-162.
	159.	Mattox, A.J. and Carroll, M.E., (1996). "Smoked heroin self-administration in rhesus monkeys," <i>Psychopharmacology</i> , 125:195-201.

EXAMINER:

DATE CONSIDERED:

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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number: 00028.08CON	Application Number: 10/749,537
	Applicant: Joshua D. RABINOWITZ et al.	
	Filing Date: 12/30/2003	Group Art Unit: Not Yet Known

160.	Meng, Y. et al. "Inhalation Studies With Drugs of Abuse," <i>NIDA Research Monograph</i> , (1997) 173:201-224.
161.	Meng, Y., et al. (1999). "Pharmacological effects of methamphetamine and other stimulants via inhalation exposure," <i>Drug and Alcohol Dependence</i> . 53:111-120.
162.	Office Action mailed 8/13/2003 for US application 10/153,313 filed 5/21/2002 "DELIVERY OF BENZODIAZEPINES THROUGH AN INHALATION ROUTE".
163.	Pankow, J.F. et al. (1997). "Conversion of Nicotine in Tobacco Smoke to Its Volatile and Available Free-Base Form Through the Action of Gaseous Ammonia," <i>Environ. Sci. Technol.</i> 31:2428-2433.
164.	Pankow, J. (March 2000). ACS Conference-San Francisco-3/26/00. Chemistry of Tobacco Smoke. pp. 1-8.
165.	Seeman, J. et al. (1999). "The Form of Nicotine in Tobacco. Thermal Transfer of Nicotine and Nicotine Acid Salts to Nicotine in the Gas Phase," <i>J. Agric. Food Chem.</i> 47(12):5133-5145.
166.	Sekine, H. and Nakahara, Y. (1987). "Abuse of Smoking Methamphetamine Mixed with Tobacco: 1. Inhalation Efficiency and Pyrolysis Products of Methamphetamine," <i>Journal of Forensic Science</i> 32(5):1271-1280.
167.	Vapotronics, Inc. (1998) located at http://www.vapotronics.com.au/banner.htm , 11 pages, (visited on June 5, 2000).
168.	Ward, M.E. MD, et al. (December 1997). "Morphine Pharmacokinetics after Pulmonary Administration from a Novel Aerosol Delivery System," <i>Clinical Pharmacology & Therapeutics</i> 62(6):596-609.
169.	Wood, R.W. et al. (1996). "Generation of Stable Test Atmospheres of Cocaine Base and Its Pyrolyzate, Methylecgonidine, and Demonstration of Their Biological Activity." <i>Pharmacology Biochemistry & Behavior</i> . 55(2):237-248.

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